

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-25-07

WHEREAS, VELASCO LTD. PARTNERSHIP HOLDINGS, INC. applied to Community Zoning Appeals Board 12 for the following:

EU-1 to EU-S

SUBJECT PROPERTY: Lots 1-3, WARDS WOODS, Plat book 79, Page 7, and that part of S.W. 94 Avenue lying adjacent to the above closed by Resolution 79R817, Official Records Book 10678, Page 181.

LOCATION: The southwest corner of S.W. 92 Street and theoretical S.W. 94 Avenue, A/K/A: 9310 S.W. 94 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-S would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB12-12-07, and

WHEREAS, VELASCO LTD. PARTNERSHIP HOLDINGS, INC. appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

EU-1 to EU-S

SUBJECT PROPERTY: Lots 1-3, WARDS WOODS, Plat book 79, Page 7, and that part of S.W. 94 Avenue lying adjacent to the above closed by Resolution 79R817, Official Records Book 10678, Page 181.

LOCATION: The southwest corner of S.W. 92 Street and theoretical S.W. 94 Avenue, A/K/A: 9310 S.W. 94 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That development of the Property shall be limited to not more than 4 lots.
2. That the street and paving design shall conform to criteria requiring either a curb and gutter design allowing a minimum of 43 feet of finished pavement radius, or a swale and sidewalk design with a maximum 5 feet of sidewalk and a maximum 5 feet of swale yielding a 40 foot finished pavement radius, whichever is applicable.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB12-12-07 and that the appeal should be approved and that the decision of Community Zoning Appeals Board 12 should be overruled, and

WHEREAS, the requested district boundary change to EU-S would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal, overrule the decision of Community Zoning Appeals Board 12, accept the proffered covenant, and approve the application was offered by Commissioner Katy Sorenson, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimenez	aye	Natacha Seijas	aye
Sally A. Heyman	absent	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	absent	Sen. Javier D. Souto	absent

Bruno A. Barreiro aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and that the decision of Community Zoning Appeals Board 12 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary-change to EU-S be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-12-07 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 26th day of July, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-6-CZ12-4

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By



Deputy Clerk

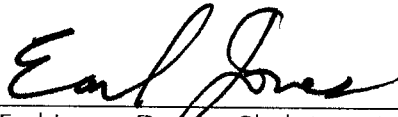
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10TH DAY OF AUGUST, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

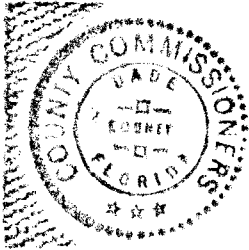
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-25-07 adopted by said Board of County Commissioners at its meeting held on the 26th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of August, 2007.



Earl Jones, Deputy Clerk (4149)
Miami-Dade County Department of Planning and Zoning

SEAL





Carlos Alvarez, Mayor

Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

August 10, 2007

Velasco Ltd. Partnership Holdings, Inc.
c/o Simon Ferro
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Government Information Center

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Services

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraisal

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer

Re: Hearing No. 06-6-CZ12-4
Location: The southwest corner of S.W. 92 Street
and theoretical S.W. 94 Avenue, A/K/A:
9310 S.W. 94 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-25-07, adopted by the Board of County Commissioners, which **granted your appeal, accepted your Declaration of Restrictions and approved your request for a district boundary change to EU-S** on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **August 10, 2007**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Abigail Price Williams, Interim County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

Planning and Zoning